

Frequently Asked Questions about NIMAS & NIMAC

What do the acronyms "NIMAS" and "NIMAC" mean?

NIMAS is the acronym for the National Instructional Materials Accessibility Standard.

NIMAC is the acronym for the National Instructional Materials Access Center.

What are coordinating agencies and other frequently used terms?

- **Coordinating agencies** are those state and local educational agencies that have chosen to coordinate with the NIMAC by directing publishers to provide NIMAS files to the NIMAC.
- In this document, an **authorized user** is an agent of a coordinating agency with access to the NIMAC database and may download NIMAS files in accordance with established agreements.
- **Authorized entities** are referred to in the Chafee Amendment of 1996 and are defined therein as: "'authorized entity' means a nonprofit organization or a governmental agency that has a primary mission to provide specialized services relating to training, education, or adaptive reading or information access needs of blind or other persons with disabilities" (<http://www.loc.gov/nls/reference/factsheets/copyright.html>).
- **Accessible media producers (AMPs)** produce braille, audio, digital text, or large print formats exclusively for use by blind or other persons with print disabilities. Accessible media producers are eligible to download files directly from the NIMAC as agents of authorized users.

What are the NIMAS and NIMAC highlights within IDEA-2004?

- State Education Agencies (SEAs) must adopt the NIMAS (by 12/3/06).
- SEAs will collaborate with state agencies responsible for AT programs.
- The National Instructional Materials Access Center (NIMAC) is established.
- The NIMAC will establish procedures for downloading publisher-provided files by agencies authorized to develop specialized formats.
- State and Local Education Agencies (LEAs) will opt in or out of the NIMAC.
- SEAs and LEAs that opt in will require that publishers submit NIMAS-conforming file sets to the NIMAC.
- SEAs and LEAs that opt out will be responsible for ensuring that blind and other persons with disabilities receive specialized versions of print materials in a timely manner.
- Copyright protections are provided to publishers when submitting electronic files to the NIMAC and when a publisher may lack electronic rights but possess print rights.
- Large print has been added to the list of qualifying student-ready versions covered under the Chafee copyright exemption for the development and delivery of accessible instructional materials to students with print disabilities. The other versions are braille, audio, and digital formats.

What are NIMAS-conformant files?

The NIMAS outlines a set of consistent and valid XML-based source files created by K–12 curriculum publishers or other content producers. These well-structured source files can be

used to create accessible specialized formats (i.e., braille, audio, digital, large-print, etc.) of print instructional materials. The full set of files includes XML content files, a package file, images, and a PDF file of the title page (or whichever page contains ISBN and copyright information).

Will schools, classrooms, and students use NIMAS-conformant source files directly?

That outcome is not intended. In the majority of circumstances, NIMAS-conformant source files will not be distributed at the classroom, school, or even district level, since these files require additional enhancements to make them appropriate for student use. Most SEAs and LEAs will need to designate an authorized user.

Why are the NIMAS and the NIMAC necessary?

Having consistent and high-quality source files available from a central repository will improve the quality and timely delivery of these materials to qualified students.

What curriculum materials are covered by the NIMAS?

IDEA-2004 indicates that the term “print instructional materials” includes printed textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction, and are required by a SEA or LEA for use by students in the classroom.

NIMAC carries out its responsibilities for those instructional materials that are made available by publishers for use in elementary and secondary classrooms after the date the NIMAS technical specification is posted to the Federal Register. Some publishers may, however, voluntarily include earlier editions.

What will happen if a publisher does not hold the electronic rights for all of the content contained in instructional materials?

As long as a publisher possesses print rights, the material is needed by an SEA or LEA, and the files will be used to produce braille, large-print, audio, or digital text for blind or other persons with print disabilities, the publishers are given an exemption to copyright law to facilitate the transfer of NIMAS-conformant files directly to the National Instructional Materials Access Center (NIMAC). This copyright protection applies only to the files provided to the NIMAC and not, for example, to files that may be provided directly to SEAs and LEAs.

Why does the Association of American Publishers support NIMAS?

When NIMAS file sets are provided to the NIMAC by publishers and then used for the preparation of accessible student-ready versions, the need to create multiple digital formats of each textbook and deliver them to various agencies will be significantly reduced. Publishers will produce each text in a single file format and deliver it to one location—the NIMAC—for distribution to authorized entities and for further enhancement by authorized users.

Who is required to adopt the NIMAS?

SEAs are required to adopt the NIMAS. Although the term “adopt” is not defined by the statute, it is generally understood to mean that these agencies will commit to improving the systems most likely to ensure that students with print disabilities will receive the accessible specialized formats they need in a timely manner. The specification is but one part of a system.

The NIMAC—Central Repository for NIMAS File Sets

What is the NIMAC and what will it do?

The NIMAC is a central national repository established at the American Printing House for the Blind (APH) that will contain NIMAS file sets. It will feature an automated system for allowing publishers to deposit NIMAS files within the repository. The files will be checked to confirm that they are valid NIMAS files, and the files will be cataloged in a web-based database. Those who have been authorized for access will have user identifications and passwords. These authorized users will be able to search the NIMAC database and download directly the file(s) they need to convert to accessible instructional materials for those students who are in elementary and secondary schools and have qualifying disabilities.

What does it mean for an SEA or LEA to opt out of the NIMAC?

SEAs and LEAs are not required to coordinate with the NIMAC. If they choose to opt out, state or local education agencies will be required to provide assurances that students with print disabilities will receive high-quality accessible materials in a timely manner.

What are the advantages of opting in to the NIMAC?

It is recommended that all SEAs and LEAs opt into the NIMAC in order facilitate the development of a production and delivery infrastructure that is cost effective, efficient, and appropriate to the needs of students with print disabilities throughout the United States.

In many cases, a state's current practices will not be changed. One small difference is that LEAs that contract for the purchase of core curriculum materials will require that publishers submit those same materials to the NIMAC as a NIMAS-conformant file set. Textbook adoption states would impose the same requirement on publishers when such materials are accepted or purchased under an adoption contract.

Coordinating with the NIMAC will—

- provide instructional materials options beyond those currently available: a larger selection of options to choose from and a wide range of alternate formats;
- maximize the availability and effectiveness of student-ready versions created by authorized entities;
- support copyright indemnification for publishers, SEAs, and LEAs;
- provide economies of scale;
- result in higher quality content (since source files will be provided by publishers);
- eliminate duplication of efforts by providing access to a centralized database;
- facilitate the development of a national database of student-ready accessible versions created by authorized entities; and
- provide these benefits without interrupting existing systems that already serve students (the statute does not indicate that opting in is an exclusive choice that would change current best practices for a limited number of large adoption states. Over time, these systems are likely to merge in ways that improve the production and delivery of accessible materials).

Why would any state or local education agency choose not to opt in?

An SEA or LEA might not understand how submissions to the NIMAC will benefit students with print disabilities throughout the United States. Some may fear that they will put themselves at risk in some way that they don't yet understand or may feel that the NIMAS will confuse or complicate existing practices. A few states have existing accessible materials legislation. These

states are not prevented from implementing existing practices unless they would interfere with the timely delivery of accessible materials to students with print disabilities (part B, sec. 612(a)(23)(A) and (B)). The NIMAS Development Committee urges all SEAs and LEAs to opt in to the NIMAC.

How will SEAs and LEAs work with the NIMAC?

To coordinate with the national repository, SEAs and/or LEAs will

- officially choose to act as a coordinating agency with the NIMAC;
- include language in contracts with publishers directing them to send NIMAS files of elementary and secondary school textbooks and related core print instructional materials to the NIMAC;
- identify authorized users who may obtain files directly from the NIMAC;
- arrange to have files converted to accessible textbooks by using their own resources or contracting with others; and
- be encouraged to share information about the availability of textbooks in accessible format through APH's LOUIS Database of Accessible Materials for People who are Blind or Visually Impaired (<http://www.aph.org/louis/index.html>), in order to avoid duplication of effort.

We encourage SEAs to serve as a conduit between the LEAs and the NIMAC.

SEA and LEA Requirements

What will be required of state and local education agencies?

In addition to ensuring that all print-disabled students receive appropriate accessible versions of core curriculum materials in a timely manner, SEAs and LEAs will play an important role in obligating publishers to submit essential source materials to the NIMAC. This will be accomplished by contract or by including appropriate language in purchase orders that require publishers to submit NIMAS-conformant files to the NIMAC, or provide assurances that they have already done so, for a specific title and version that is to be purchased. A sample statement that could be included in a contract or purchase order follows:

Sample Language for Adoption Contracts and LEA Purchase Orders

By agreeing to deliver the materials marked with "NIMAS" on this contract or purchase order, the publisher agrees to prepare and submit, on or before ___/___/___ a NIMAS file set to the NIMAC that complies with the terms and procedures set forth by the NIMAC. Should the vendor be a distributor of the materials and not the publisher, the distributor agrees to immediately notify the publisher of its obligation to submit NIMAS file sets of the purchased products to the NIMAC. The files will be used for the production of alternate formats as permitted under the law for students with print disabilities.

This is page ___ of ___ of this contract or purchase order.

For additional information about NIMAS, please refer to <http://nimas.cast.org>.

For additional information about the NIMAC, refer to <http://nimac.us>.

Are there other options available to SEAs and LEAs?

In keeping with existing practice, some state and local education agencies may meet NIMAS-related requirements contained in IDEA-2004 by contracting with curriculum publishers directly to purchase accessible, student-ready versions. Some have referred to this approach as the “market model” and expect that at some point accessible instructional materials will be ordered directly from publishers at the same time as print textbooks are ordered.

How do textbook adoption states that have agreed to coordinate with the NIMAC and have 5- or 6-year textbook adoption cycle contracts comply with the IDEA's requirement that they have contracts in place with publishers by December 3, 2006?

We understand that States that adopt textbooks on a cyclical basis will have a series of multi-year contracts covering particular subjects or grades expiring over a period of years. These States could comply with the requirements of section 612(a)(23)(C) by adding the contract provisions required by 612(a)(23)(C) to each contract in their adoption cycle as a particular contract ends and a new contract is negotiated. However, since States, as a part of their responsibility to ensure the availability of a free appropriate public education to all eligible children need to ensure that blind persons or other persons with print disabilities have timely access to appropriate and accessible instructional materials, and the NIMAS and the service available from the NIMAC can be important tools in meeting this responsibility, States may want to take other steps to renegotiate non-expiring adoption contracts to include production of NIMAS file sets, or make other informal arrangements with publishers for production of NIMAS file sets for the materials covered by contracts that are still in effect.

If a school contracts with a Community College for advanced placement classes, is the LEA or community college responsible for a student who is eligible for NIMAS materials?

AP classes are classes provided for secondary school credit. They also may allow students to earn postsecondary credit (but generally only after they receive a sufficiently high score on a national, standardized test in that subject).

NIMAS is only a standard for preparation of text files — it does not assign responsibility to provide accessible instructional materials to any entity.

Under 612(a)(23) and 613(a)(6) [300.172 and 300.210] the SEA and LEA have the responsibility to provide print instructional materials to blind and other print disabled persons in a timely manner. This responsibility would extend to all courses that the SEA and LEA offer for elementary school or secondary school credit, even if they are provided by another entity through a contract or other arrangement with the SEA or LEA. Of course, the SEA or LEA could, as a part of its contract with the other entity, require that entity to make brailled versions of the materials available to the students who need them.

Schedule for Implementation

What is the timeline for the NIMAS and the NIMAC?

- Once the NIMAS is published in the Federal Register, each SEA will adopt NIMAS no later than December 3, 2006.

- On December 3, 2005, the NIMAC was established and began a one year planning phase.
- The publication of the NIMAS in the Federal Register is the beginning “publication date” by which print instruction materials need to be provided to the NIMAC when required by SEAs and/or LEAs. As of that date, NIMAC’s responsibility pertains to all editions of print instructional materials currently made available for sale by the publisher.
- On or before December 3, 2006 SEAs and LEAs that opt in to the NIMAC will require that publishers prepare and deliver NIMAS-conformant file sets to the NIMAC.
- On or before December 3, 2006 the NIMAC will be fully operational.

Provision of Accessible Instructional Materials to Students

What disabilities qualify a student to be served with NIMAS-derived accessible textbooks?

IDEA 2004 includes a definition of students who may be provided with accessible textbooks created with NIMAS files from the NIMAC. That definition, used within the legislation, is “blind or other persons with print disabilities.” “Blind or other persons with print disabilities” means children served under IDEA who may qualify in accordance with the act entitled, “An Act to provide books for the adult blind,” approved March 31, 1931 (2 U.S.C. 135a; 46 Stat. 1487) to receive books and other publications produced in specialized formats [674(e)(3)(A)].

Who will create accessible "student-ready" versions of textbooks from NIMAS-conformant files?

Under contract with coordinating agencies, accessible, student-ready versions of textbooks will be created from NIMAS-conformant files by—

- National third-party authorized entities such as Recording for the Blind & Dyslexic, American Printing House for the Blind, Bookshare.org, and Talking Tapes, etc.;
- Regional or state conversion organizations such as Texas Region IV ESC Braille Services, the California Department of Education Clearinghouse for Specialized Media and Technology (CSMT), the Kentucky Accessible Materials Consortium, and other state instructional materials resource centers, etc.;
- Software developers and file conversion services;
- Curriculum publishers; K–12 curriculum publishers may produce accessible alternate-format versions for direct sale to SEAs and LEAs. (This workflow is referred to as the “market model”); and
- Accessible media producers such as braille transcribers.

How will students receive accessible materials?

The delivery systems that already exist will remain available. It is hoped that improved production systems will make a more timely delivery of appropriate materials possible.

Will other delivery systems evolve?

It seems likely that educational publishers will enter the market for the delivery of accessible digital instructional materials in order to serve students who may not be adequately served under the Chafee Amendment. This is currently referred to as the “market model” and exploration of its benefits is one of the goals of the NIMAS Development Center.

Additional Information

Where can I obtain more information?

The NIMAS Technical Assistance Center works with key stakeholders such as states, school boards, and publishers to raise awareness of the benefits of accessible materials and advises stakeholders on the efficient production and distribution of NIMAS-compliant materials.

The NIMAS Development Center will improve the original NIMAS standard by identifying new research and technological advances relevant to the standard. The Center will also explore existing and new distribution models for the provision of accessible materials to students with disabilities.

CAST NIMAS Centers

<http://nimas.cast.org>



The NIMAC will receive and catalog publishers' electronic files of print instructional materials in a standard format: the National Instructional Materials Accessibility Standard (NIMAS). The NIMAS was recently developed by experts across the country for this specific purpose. The center will provide these standardized files to authorized textbook provider, who will then produce textbooks for blind and other students with disabilities. The combination of a standard format and a central repository should significantly expedite the time frame in which textbooks are delivered to students who need them in the classroom.

NIMAC at APH

<http://www.nimac.us>



References to NIMAS within IDEA 2004

Part B

Section 612(a)(23)
Section 613(a)(6)

Part D

Title III

Section 674(e)

Section 306